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IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 4243/2007

GOVINDA Vs. SHRI SHARVAN & ORS.

DATE: 02.08.2007.

HON'BLE MR. K.S. RATHORE, J.

None present for the petitioner.

This writ petition has been filed by the petitioner against the order dated 25.05.2007 passed by the Additional District Judge No.4, Jaipur City.

Brief facts of the case are that the petitioner filed suit for injunction and cancellation of the sale deed of the respondent and declaration of the title of the plaintiff, wherein interim injunction was granted on 17.01.2007 prior to decision of the application of T.I. during the pendency of which two application for appointment of commissioner and for permission to obtain electric connection in the disputed site was moved by the respondent. The said applications were decided by the Court below vide order dated 25.05.2007 and the question involved is whether without hearing the petitioner on the application for injunction, order to allow electric connection can be

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passed against the true owner of the land and whether commissioner can be appointed to generate evidence on possession.

Having gone through the averments made in the writ petition and upon careful perusal of the order impugned dated 25.05.2007, it appears that the Court below while allowing electric connection has used his discretion and considering the facts and circumstances of the case, deem it proper to appoint a commissioner observing that the respondents cannot be prevented from the basic requirements and shall be considered at the time of final adjudication of the suit in question. The Court below has rightly exercised its discretion looking to the facts and circumstances of the case.

In view of the these facts, I find no illegality in the impugned order dated 25.05.2007 passed by the Additional District Judge No.4, Jaipur City and the same requires no interference by this Court.

Consequently, the writ petition fails and the same is hereby dismissed.

(K.S. RATHORE), J.

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